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**Walker B. Smith,**

*Deputy Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act and Resource Conservation and Recovery Act

In accordance with Departmental policy, 28 CFR 50.7, and 42 U.S.C. 9622(d)(2), notice is hereby given that on November 9, 1999, a proposed consent decree in *United States v. N.L. Industries, et al.* C.A. No. 91-CV578-JLF (S.D. Ill.), was lodged with the United States District Court for the Southern District of Illinois. The proposed consent decree would resolve pending claims of the United States against certain defendants in the above-referenced action (Johnson Controls, Inc., Lucent Technologies, Inc., Exide Corporation, AlliedSignal, Inc., G & B Technology, and General Battery, Inc.) ("Settling Defendants"). The proposed Consent Decree would not resolve pending claims against defendants NL Industries, Inc., Ace Scrap Metal Processors, Inc. and St. Louis Lead Recyclers.

The above-referenced civil action, which relates to the NL Industries/Taracorp Superfund Site located in Granite City, Madison, and Venice, Illinois ("the Site"), was commenced by the United States in July 1991. The Complainant sought injunctive relief requiring the performance of remedial actions at the Site in accordance with an Administrative Order issued by U.S. EPA pursuant to Section 106 of CERCLA, 42 U.S.C. 9606, recovery of response costs incurred and to be incurred by the United States at the Site, and civil penalties and punitive damages for the defendant's failure to comply with the Administrative Order.

The proposed consent decree would require the Settling Defendants to: complete the remedial action selected by the Environmental Protection Agency ("EPA") for the Site; pay to the EPA Hazardous Substance Superfund \$8,970,000 in reimbursement of past response costs, as well as 50% of \$1,420,000 in unresolved response costs currently subject to audit that are deemed proper and correct by the audit

and approved by EPA; pay "Future Response Costs," including costs of overseeing response actions at the Site; pay to the EPA Hazardous Substance Superfund a civil penalty of \$400,000 for failure to comply with EPA's Administrative Order; and complete a supplemental environmental project consisting of conducting a lead paint abatement program in Madison County, for a total expenditure of not less than \$2,000,000.

Under the proposed Consent Decree, the United States would provide the Settling Defendants a covenant not to sue under Sections 106 and 107(a) of CERCLA and Section 7003 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6973, for the Site, subject to certain reservations and reopeners.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, United States Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, DC 20044-7611, and should refer to *United States v. N.L. Industries, et al.*, C.A. No. 91-CV578-JLF (S.D. Ill.), and the Department of Justice Reference No. 90-11-3-608A. Interested persons may also request an opportunity for a public hearing in the affected area, in accordance with Section 7003(d) of RCRA, 42 U.S.C. § 6973(d), by contacting Larry Johnson (EPA Region 5) at (312) 886-6609.

The proposed Consent Decree may be examined at the Office of the United States Attorney for the Southern District of Illinois, Nine Executive Drive, Suite 300, Fairview Heights, IL 62208, and the Region 5 Office of the United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590. A copy of the proposed Consent Decree may be obtained by mail from the Consent Decree Library, P.O. Box 7611, Ben Franklin Station, Washington, DC 20044-7611. In requesting a copy, please refer to DJ #90-11-3-608A, and enclose a check in the amount of \$24.25 (97 pages at 25 cents per page for reproduction costs) if requesting the consent decree only or \$354.00 (1,418 pages at 25 cents per page for reproduction costs) if requesting the consent decree and all appendices.

Make checks payable to the Consent Decree Library.

**Joel M. Gross, Chief**

*Environmental Enforcement Section, Environment and Natural Resources Division.*  
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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decrees Pursuant to Clean Water Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed Modification of a 1995 Consent Decree in *Slagle v. United States* (D. Minn.) was lodged with the United States District Court for the District of Minnesota on November 6, 1999. This case arises, and the proposed Modification of the Consent Decree secures relief, under the Clean Water Act, 33 U.S.C. 1251-1387.

The proposed Modification of the Consent Decree would provide for the addition of three undisturbed lakeshore lots within the violation site, which were previously available for development, to the area subject to restrictive land use covenants, for development on three previously disturbed lakeshore lots on which further development was prohibited under the 1995 Consent Decree, and for additional wetlands restoration work.

The Department of Justice will receive, until thirty (30) days from the date of this notice, written comments relating to the proposed Modification of the Consent Decree. Comments should be addressed to the United States Department of Justice, Assistant Attorney General, Environment and Natural Resources Division, 601 D Street, NW, Suite 8000, Washington, DC, 20004, to the attention of Lewis M. Barr, Senior Trial Counsel, Environmental Defense Section, and should refer to *Slagle v. United States* (D. Minn.) and to DJ Reference No. 90-5-1-5-92.

The proposed Modification of the Consent Decree may be examined at the Clerks's Office, United States District Court for the District of Minnesota, United States Courthouse, Room 600, 300 South Fourth Street, Minneapolis, Minnesota 55415 during regular business hours, or copies may be requested from Lewis M. Barr at (202) 514-4206.

**Letitia J. Grishaw,**

*Chief, Environmental Defense Section, Environment and Natural Resources Division.*  
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